

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207-A

CRM-M-65517-2023

Date of Decision: 08.02.2024

Bholi @ Rajji

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nitin Narula, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in cross-case bearing GDR No. 019 dated 10.09.2022 registered under Sections 323, 324, 354, 452, 506 read with Section 34 IPC (Section 326 was added later on) in a criminal case arising out of FIR No. 0112 dated 09.09.2022 registered under Sections 323, 354, 452, 506 read with Section 34 IPC at Police Station Bhindi Saidan, District Amritsar (Rural).

On 01.01.2024, when this case was listed for hearing, following order has been passed by a co-ordinate Bench of this Court:-

“The learned counsel representing the petitioner relies upon the order passed in CRM-M-65485-2023 on 28.12.2023, which is reproduced as under:-

“The petitioner prays for grant of pre-arrest bail in cross case GDR No.019 dated 10.09.2022, registered under Section 323, 324, 354, 452, 506, 34 IPC (Section 326 IPC added later on) in a criminal

case arising from FIR No.0112, dated 09.09.2022, registered under Section 323, 354, 452, 506, 34 IPC, at Police Station Bhindi Saidan, District Amritsar Rural.

Originally, Mr. Bittu Singh son of Sh. Karnail Singh filed FIR No.112, dated 09.09.2022, complaining that there has been a physical assault on account of installation of a gate. In the aforesaid FIR, certain injuries were received by Mr. Bittu Singh son of Sh. Karnail Singh and some others. On the statement of Smt. Amarjit Kaur, the cross case was registered. As per the cross case, the petitioner is stated to have given two dang blows to Smt. Amarjit Kaur on the back side of her right palm and elbow.

The learned counsel representing the petitioner submits that the petitioner is being falsely implicated in order to rope all the members of the family.

Notice of motion for 08.02.2024.

On the request of this Court, Mr. Gurpreet Singh, Addl. A.G. Punjab, accepts notice on behalf of the State.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of the bail as provided under Section 438(2) Cr.P.C.”

Notice of motion.

Mr. Navneet Singh Kaliraman, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the State.

To be heard with CRM-M-65485-2023 on 08.02.2024.

Meanwhile, in the event of arrest, the petitioner shall be released on the interim bail subject to furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of bail as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that in compliance of the order dated 01.01.2024 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Lakhwinder Singh, states that in terms of the order passed by this Court, reproduced

above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 01.01.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join the investigation and cooperate with the investigating agency in case she is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

08.02.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No